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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:13-CR-448-KJD-(CWH)
11 JOSE LUIS BARRAGAN,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on September 9, 2014, defendant JOSE LUIS BARRAGAN pled guilty
15 to Count One of a Fifteen-Count Criminal Indictment charging him with Conspiracy to Distribute a
16 Controlled Substance in violation of Title 21, United States Code, Sections 841(a)(1) and
17 (b)(1)(A)(viii) and 846. Criminal Indictment, ECF No. 10; Change of Plea, ECF No. 62; Plea
18 Agreement, ECF No. 67.

19 This Court finds defendant JOSE LUIS BARRAGAN agreed to the forfeiture of the property
20 set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal
21 Indictment. Criminal Indictment, ECF No. 10; Bill of Particulars, ECF No. 23; Change of Plea, ECF
22 No. 62; Plea Agreement, ECF No. 67.

23 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
24 has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars,
25 and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant JOSE
26 LUIS BARRAGAN pled guilty.

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1), (2)(C), and (3)(B) and Title 28, United States Code, Section 2461(c); Title 21, United States
3 Code, Section 881(a)(11) and Title 28, United States Code, Section 2461(c); and Title 21, United
4 States Code, Section 853(a)(1) and (2):

- 5 1. a Glock, Model 19 handgun, bearing serial number BDK808US
- 6 2. a .45 caliber, High Standard Crusader handgun, bearing serial number HS1147315;
- 7 3. a 12 gauge, Armscor shotgun, bearing serial number AP214132;
- 8 4. a RomArms, model 332, 7.62 caliber rifle, bearing serial number 10984599;
- 9 5. any and all ammunition; and
- 10 6. \$4,979 in United States Currency

11 (all of which constitutes "property").

12 This Court finds the United States of America is now entitled to, and should, reduce the
13 aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
15 United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
17 JOSE LUIS BARRAGAN in the aforementioned property is forfeited and is vested in the United
18 States of America and shall be safely held by the United States of America until further order of the
19 Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
21 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
22 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
23 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
24 name and contact information for the government attorney to be served with the petition, pursuant to
25 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

26 ...

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
2 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
3 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
4 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
5 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
6 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
7 petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
9 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
10 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
11 after the first day of the publication on the official internet government forfeiture site,
12 www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
14 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
15 following address at the time of filing:

16 Michael A. Humphreys
17 Assistant United States Attorney
18 Daniel D. Hollingsworth
19 Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
21 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
22 following publication of notice of seizure and intent to administratively forfeit the above-described
23 property.

24 DATED this 12th day of September, 2014.

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UNITED STATES DISTRICT JUDGE